IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 1516 of 2007(E)

PETITIONER:

GOPALAKRISHNA NAIK, AGED 63 YEARS,
S/O.ANANTHA NAIK, KUTTIKATTUPARAMBIL,
TRIPUNITHURA.

BY ADV. SRI.S.SACHITHANANDA PAI

RESPONDENTS:

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1. THE DISTRICT REGISTRAR (GENERAL),
ERNAKULAM, KOCHI-16.

2. SUB REGISTRAR,
SUB REGISTRAR'S OFFICE, TRIPUNITHURA.

BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE ORDER NO.PUB 2902/2000/TPR DATED 7.12.2001 ISSUED BY 1ST RESPONDENT.

EXT.P2: COPY OF NOTICE NO.2902/2000 DATED 21.10.2000 ISSUED BY THE 2ND RESPONDENT.

EXT.P3: COPY OF JUDGMENT DATED 17.7.2003 IN CMA.28/2003 ON THE FILE OF DISTRICT COURT, ERNAKULAM.

EXT.P4: COPY OF THE DEMAND NOTICE DATED 29.12.2006 ISSUED BY 2ND RESPONDENT.

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BKN // TRUE COPY//

P.A TO JUDGE.

S.SIRI JAGAN, J.
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W.P.C. No. 1516 OF 2007

Dated this the 18th day of June, 2007
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JUDGMENT

The petitioner was served with Ext.P2 notice demanding deficit stamp duty in respect of a document executed in his favour. The petitioner took it in an appeal before the District Judge and by Ext.P3 judgment, Ext.P2 was quashed and the respondent was directed to proceed afresh in accordance with law. Now again, another notice similar to Ext.P2 namely, Ext.P4 has been issued without complying with the procedure prescribed. Petitioner also points out that in Ext.P2, the amount demanded was Rs.13,320/- whereas in Ext.P4, the amount demanded is Rs.44,400/-. The learned Government Pleader could not satisfy me that Ext.p4 was issued after compliance with the procedure as contemplated by law and the directions in Ext.P3 judgment. Accordingly Ext.P4 is quashed. Respondents are directed to see that further proceedings shall only be strictly in accordance with Ext.P3 judgment.

The Writ Petition is disposed of accordingly.

S.SIRI JAGAN
Judge.

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